

UNITED STATES DISTRICT COURT

District of

Delaware

UNITED STATES OF AMERICA

V.

ORDER OF DETENTION PENDING TRIAL

Case

07-141M

Cody Lamar Reese

Defendant

In accordance with the Bail Reform Act, 18 U.S.C. § 3142(f), a detention hearing has been held. I conclude that the following facts require the detention of the defendant pending trial in this case.

Part I—Findings of Fact

- ☐ (1) The defendant is charged with an offense described in 18 U.S.C. § 3142(f)(1) and has been convicted of a ☐ federal offense ☐ state or local offense that would have been a federal offense if a circumstance giving rise to federal jurisdiction had existed that is
- ☐ a crime of violence as defined in 18 U.S.C. § 3156(a)(4).
- ☐ an offense for which the maximum sentence is life imprisonment or death.
- ☐ an offense for which a maximum term of imprisonment of ten years or more is prescribed in _____.
- ☐ a felony that was committed after the defendant had been convicted of two or more prior federal offenses described in 18 U.S.C. § 3142(f)(1)(A)-(C), or comparable state or local offenses.
- ☐ (2) The offense described in finding (1) was committed while the defendant was on release pending trial for a federal, state or local offense.
- ☐ (3) A period of not more than five years has elapsed since the ☐ date of conviction ☐ release of the defendant from imprisonment for the offense described in finding (1).
- ☐ (4) Findings Nos. (1), (2) and (3) establish a rebuttable presumption that no condition or combination of conditions will reasonably assure the safety of (an) other person(s) and the community. I further find that the defendant has not rebutted this presumption.

Alternative Findings (A)

- ☐ (1) There is probable cause to believe that the defendant has committed an offense for which a maximum term of imprisonment of ten years or more is prescribed in _____.
- ☐ under 18 U.S.C. § 924(c).
- ☐ (2) The defendant has not rebutted the presumption established by finding 1 that no condition or combination of conditions will reasonably assure the appearance of the defendant as required and the safety of the community.

Alternative Findings (B)

- X (1) There is a serious risk that the defendant will not appear.
- X (2) There is a serious risk that the defendant will endanger the safety of another person or the community.

Part II—Written Statement of Reasons for Detention

I find that the credible testimony and information submitted at the hearing establishes by clear and convincing evidence a preponderance of the evidence: There are no conditions or combination thereof that will reasonably assure defendant's appearance as required and the safety of the community because:

1. The evidence against defendant is substantial, including the fact that a semi-automatic weapon was found on defendant's person.
2. Defendant is 24 years old and according to his grandmother, whose address he gave as his residence, her resides with her sporadically and when he is not living with her she does not know where he resides. His only employment was for 2 months in 2004.
3. He is a daily user of marijuana, smoking 4 blunts on average.
4. Defendant's criminal history begins at age 12 with a conviction for shoplifting. Between 1995 and 2001, defendant was 6 serious offenses in Family court including possession of a non-narcotic controlled substance (2 times), driving without a license (at least twice), leaving the scene of an accident, fictitious registration. Defendant during that time was also convicted of robbery 2nd. At age 17 he was tried as an adult convicted of trafficking in cocaine and found VOP. In 2003, defendant was convicted of reckless endangerment 1st, conspiracy 2nd. This conviction involved the use of a firearm. He was found in violation of probation for this offense in December 2006 and within 6 months thereafter, he now faces another weapons offense as charged in this court. He used a weapon and shot between two car endangering a number of individuals.



Part III—Directions Regarding Detention

The defendant is committed to the custody of the Attorney General or his designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility shall deliver the defendant to the United States marshal for the purpose of an appearance in connection with a court proceeding.

August 24, 2007

Date



Signature of Judicial Officer

Mary Pat Thyne, Magistrate Judge

Name and Title of Judicial Officer

*Insert as applicable: (a) Controlled Substances Act (21 U.S.C. § 801 *et seq.*); (b) Controlled Substances Import and Export Act (21 U.S.C. § 951 *et seq.*); or (c) Section 1 of Act of Sept. 15, 1980 (21 U.S.C. § 955a).